

SENATE BILL No. 104

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1-5.2; IC 20-10.1-22.4-3.

Synopsis: Court assisted resolution of suspension/expulsion. Authorizes an agreement for court assisted resolution of suspension and expulsion cases between a court having juvenile jurisdiction and a school corporation. Provides that the agreement allows the school corporation to refer a student who has been suspended or expelled to a court and that the court shall either supervise the student or order the supervision of the student. Provides that the court and the school corporation may jointly determine which violations leading to suspension or expulsion are eligible for referral to the court, but specifies that if an agreement exists, a student who has been suspended or expelled for truancy must be referred to the court. Provides that the school corporation and the court shall determine how the costs of supervising a student under the agreement shall be paid. Allows the school corporation to disclose the education records of a student who has been suspended or expelled to a court. (The introduced version of this bill was prepared by the interim study committee on educational achievement issues.)

Effective: July 1, 2004.

Kenley

January 6, 2004, read first time and referred to Committee on Education and Career Development.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 104

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-8.1-5.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]:

4 **Chapter 5.2. Court Assisted Resolution of Suspension and**
5 **Expulsion Cases**

6 **Sec. 1. A superintendent and a court having juvenile jurisdiction**
7 **in the county may enter into a voluntary agreement (referred to as**
8 **"agreement" in this chapter) for court assisted resolution of school**
9 **suspension and expulsion cases. The agreement may require the**
10 **court to supervise or order the supervision of an expelled or**
11 **suspended student who has been referred to the court by the school**
12 **corporation in accordance with the terms of the agreement.**

13 **Sec. 2. The agreement may require that a court do one (1) or**
14 **more of the following:**

15 (1) **Establish a flexible program for the supervision of a**
16 **student who has been suspended or expelled.**

17 (2) **Supervise a student who has been suspended or expelled.**



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(3) Order a student who has been suspended or expelled to participate in a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled.

Sec. 3. (a) Except as provided in subsection (b), the agreement may require that a school corporation do one (1) or more of the following:

(1) Define the violation for which a student who has been suspended or expelled shall be referred to the court.

(2) Refer a student who has been suspended or expelled for a violation described in subdivision (1) to the court.

(3) Establish a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled.

(b) If a school corporation enters into an agreement, the school corporation must refer a student who has been suspended or expelled for truancy to the court.

Sec. 4. The agreement must provide how the expenses of supervising a student who has been suspended or expelled are funded. A school corporation may not be required to expend more than the amount determined under IC 21-3-1.7-6.7(e) for each student referred under the agreement.

Sec. 5. A student shall be given a hearing before the court as soon as practicable following the student's referral to the court.

Sec. 6. A hearing under this chapter is not a hearing to determine whether a student who has been suspended or expelled is a child in need of services. However, if a court determines that a student who has been suspended or expelled may:

(1) be a child in need of services; or

(2) have committed a delinquent act;

the court may notify the office of family and children or the prosecuting attorney.

SECTION 2. IC 20-10.1-22.4-3, AS AMENDED BY P.L.2-2003, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) As used in this section, "juvenile justice agency" has the meaning set forth in IC 10-13-4-5.

(b) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent, guardian, or custodian, under the following

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1 conditions:

2 (1) The disclosure or reporting of education records is to a state
3 or local juvenile justice agency.

4 (2) The disclosure or reporting relates to the ability of the juvenile
5 justice system to serve, before adjudication, the student whose
6 records are being released.

7 (3) The juvenile justice agency receiving the information certifies,
8 in writing, to the entity providing the information that the agency
9 or individual receiving the information has agreed not to disclose
10 it to a third party, other than another juvenile justice agency,
11 without the consent of the child's parent, guardian, or custodian.

12 (c) For purposes of subsection (b)(2), a disclosure or reporting of
13 education records concerning a child who has been adjudicated as a
14 delinquent child shall be treated as related to the ability of the juvenile
15 justice system to serve the child before adjudication if the juvenile
16 justice agency seeking the information provides sufficient information
17 to enable the keeper of the education records to determine that the
18 juvenile justice agency seeks the information in order to identify and
19 intervene with the child as a juvenile at risk of delinquency rather than
20 to obtain information solely related to supervision of the child as an
21 adjudicated delinquent child.

22 **(d) A school corporation to which the education records privacy**
23 **provisions of the federal Family Educational Rights and Privacy**
24 **Act (20 U.S.C. 1232g) apply may disclose or report on the**
25 **education records of a child, including personally identifiable**
26 **information contained in the education records, without the**
27 **consent of the child's parent, guardian, or custodian, if the child**
28 **has been suspended or expelled and referred to a court in**
29 **accordance with an agreement for court assisted resolution of**
30 **suspension and expulsion cases under IC 20-8.1-5.2.**

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